PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference de042221	FOR FURTHER ACTION	See Form PCT/IPEA/416								
International application No.	International filing date (day/month	/year) Priority date (day/month/year)								
PCT/DE2004/002221	07.10.2004	11.12.2003								
International Patent Classification (IPC) or national classification and IPC										
F02D31/00, F02D41/02										
Applicant										
ROBERT BOSCH GMBH										
This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.										
2. This REPORT consists of a total of	=	ets, including this cover sheet.								
This report is also accompanied by A										
a. (sent to the applicant and	to the International Bureau) a total o	of 3 sheets, as follows:								
, , , , , , , , , , , , , , , , , , , ,		have been amended and are the basis for this report and/or								
sheets containing re Instructions).	sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative									
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental										
Box.	Down and Associated Section 1									
b. (sent to the International	Bureau only) a total of (indicate type	and number of electronic carrier(s))								
related thereto, in compute	r readable form only as indicated in	, containing a sequence listing and/or tables the Supplemental Box Relating to Sequence Listing (see								
Section 802 of the Adminis		the Supplemental Box Relating to Sequence Bising (see								
4. This report contains indications relati	ing to the following items:									
Box No. I Basis of the	report									
Box No. II Priority										
Box No. III Non-establi	shment of opinion with regard to nov	velty, inventive step and industrial applicability								
Box No. IV Lack of uni	ty of invention									
Box No. VI Certain doc	Box No. VI Certain documents cited									
Box No. VII Certain def	Box No. VII Certain defects in the international application									
Box No. VIII Certain obs	Box No. VIII Certain observations on the international application									
Date of submission of the demand	Date of comp	pletion of this report								
Name and mailing address of the IPEA/EP	Authorized o	Authorized officer								
Facsimile No.	Telephone N	Telephone No.								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DE2004/002221

Box	No. I	Basis of the report									
1.		egard to the language, this report is based on the international application in the language in which it was filed, unless otherwise ed under this item.									
			report is based on translations from the original language into the following language ch is the language of a translation furnished for the purposes of:								
		international search (Rule 12.3 and 23.1(b))									
		publication of the international application (Rule	12.4)								
		international preliminary examination (Rule 55.2	and/or 55.3)								
2.	rece		ard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to rt):</i>								
		the international application as originally filed/furnished	d								
	\boxtimes	the description:									
		pages		as originally filed/furnished							
		pages*	received by this Authority on								
		pages*	received by this Authority on								
	\boxtimes	the claims:									
		nos.		as originally filed/furnished							
		nos.*	as amended (togethe	er with any statement) under Article 19							
		nos.* _ 1,3-9	received by this Authority on								
		nos.* _ 2,10	received by this Authority on	13.01.2006 with letter of 11.01.2006							
	\boxtimes	the drawings:									
		sheets 1/4-4/4		as originally filed/furnished							
		sheets*	received by this Authority on								
		sheets*	received by this Authority on								
		a sequence listing and/or any related table(s) – see Supp	equence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.								
3.		The amendments have resulted in the cancellation of:									
		the description, pages									
		the claims, nos.	the claims, nos.								
		the drawings, sheets/figs									
		the sequence listing (specify):									
		any table(s) related to sequence listing (specify):	any table(s) related to sequence listing (specify):								
4.		This report has been established as if (some of) the an they have been considered to go beyond the disclosure									
		the description, pages									
		the claims, nos.	the claims, nos.								
		the drawings, sheets/figs	the drawings, sheets/figs								
		the sequence listing (specify):									
		any table(s) related to sequence listing (specify):									
*	If ite	rm 4 applies, some or all of those sheets may be marked "	'superseded."								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement									
1.	Statement								
	Novelty (N)	Claims	2,	5,	8,	10			YES
		Claims	1,	3,	4,	6,	7,	9	NO
	Inventive step (IS)	Claims	2,	5,	8,	10			YES
		Claims	1,	3,	4,	6,	7,	9	_ NO
	Industrial applicability (IA)	Claims	1-	10					YES
		Claims							_ NO

2. Citations and explanations (Rule 70.7)

1. Independent claims 1 and 9

Document D1 (US2002/132701 A1) discloses a method and a device for operating a drive unit (drive motor), in particular of a vehicle, in which a target value (fig. 4: Tot - target output torque, which is determined from the characteristic field 151a) is set for at least one output variable (torque) of the drive unit, and in addition, in at least one operating state of the drive unit (when idling), a target value for an operating variable of the drive unit (idling speed target value Target Ne) is set, and in that operating state (when idling) the at least one output variable of the drive unit, irrespective of its target value (when idling the variable Tit is not determined as a function of Tot, which is determined from the characteristic field 151a, i.e. the output variable of the switch 151c is zero - there is no difference between setting a value at zero and not setting a value), is set in order to bring an actual value for the operating variable closer to the target value for the operating variable

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

(idling controller 154).

The present application thus fails to meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 9 lacks novelty (PCT Article 33(2)).

2. Independent claims 2 and 10

The subject matter of claims 2 and 10 appears to meet the PCT requirements in respect of novelty and inventive step.

None of the documents cited in the search report discloses a method (or device) for operating a drive unit such as specified in claim 2, i.e. using a gear shift procedure, or contains any indication that would lead to the subject matter of claim 2.

3. Dependent claims

Claims 3, 4, 6 and 7 do not contain any features which, in combination with the features of claim 1, meet the PCT requirements for novelty. D1 chooses a torque as output variable (claim 3) and an engine speed as operating variable (claim 4). The target torque value of an internal combustion engine is set in the sense of a speed controller (claim 6) and the ignition angle, the fuel injection and the air supply are used as manipulated variables for controlling the torque

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement (claim 7). Further observation 4. The use of the parameters "output variable" and "operating variable" in the claims appears vague and unclear and appears not to be supported by the description (PCT Article 6). It appears that the claims are not concise (PCT Article 6).